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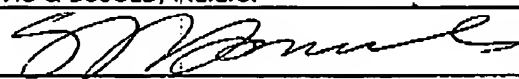
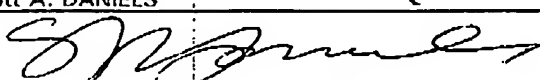
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PTO/SB/21 (12-97)

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/771,999
	Filing Date	February 4, 2004
	First Named Inventor	Nathan TAYLOR
	Group Art Unit	1722
	Examiner Name	Jason Y. PAHNG Fax: (571) 273-8300
Total No. of Pages in this Submission: 3	Attorney Docket Number	NATNAN P01AUS
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Firm or Individual Name	Scott A. DANIELS DAVIS & BUJOLD, P.L.L.C.	Reg. No. 42,462 CUSTOMER NO. 020210
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3/03/06

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Nathan TAYLOR
Serial no. : 10/771,999
Filed : February 4, 2004
For : A BASKET MOLD, METHOD AND SYSTEM FOR
MAKING A BASKET MOLD
Group Art Unit : 1722
Examiner : Jason Y. PAHNG
Docket : NATNAN P01AUS

The Commissioner for Patents
U.S. Patent & Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Dear Sir:

This response is being filed in reply to the office action mailed February 15, 2006. In that action, the Examiner has required restriction under 35 U.S.C. § 121 between the following groups of claims:

- I. Claims 1-9, drawn to an expandable mold in class 147 and subclass 25;
- II. Claims 10-11, drawn to a process for making an expandable mold, classified in class 147 and subclass 3; and
- III. Claims 12-15, drawn to a system for making a basket mold in class 147 and subclass 48.

The Applicant elects with traverse for the reasons set forth below, the invention disclosed in Group I (claims 1-9) and that in any event, it is requested that, without further action thereon, claims 10-15 be retained in this application pending disposition of this case and for possible filing of a divisional application(s).

The Applicant adamantly asserts that the inventions of Group I and II are not patentably distinct. Initially the applicant notes that the independent claims 1 and 10 of each group recites substantially the exact same limitations, claim 1 being in apparatus claim format and claim 10 being in method format. As best the Applicant understands the rationale for requiring restriction, the Examiner alleges that "...the expandable mold as claimed can be made by another and materially different process. For example, a plurality of non-separate mold sections may be secured by a releasable fastening mechanism". Contrary to this assertion, the apparatus of claim 1 could not be made this way, i.e. with "non-separate" mold sections, as claim 1 specifically requires "a plurality of separate mold sections...". Secondly, if the mold sections

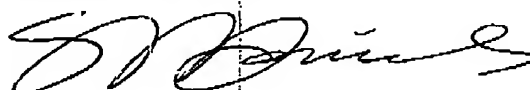
10/771,999

were "non-separate" there would be no logical reason to secure them together with a "releasable fastening mechanism", a feature which is also recited in claim 1.

With regards to the alleged distinction between groups II and III, the Applicant takes the position that merely because a separate independent claim recites a further specific limitation defining a previously recited and claimed feature of the invention, is not a materially different apparatus. If this were true than every dependent claim in any group of claims could be restricted. By way of explanation, the element of "at least a passage in claim 12, is merely a more specifically recited and defined aspect of the "releasable fastening mechanism" as disclosed in claims 1 and 10, and as recited in dependent claims therefrom. Thus, merely because claim 12 includes different recitations and further limitations to the same features as found in previous independent claims, this is not believed to rise to the level of "a patentable distinction."

Thus, the Applicant respectfully requests reconsideration of the restriction requirement and that the claims of all groups I, II and III be prosecuted together. In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Scott A. Daniels, Reg. No. 42,462
Customer No. 020210
Davis & Bujold, P.L.L.C.
Fourth Floor
500 North Commercial Street
Manchester NH 03101-1151
Telephone 603-624-9220
Facsimile 603-624-9229
E-mail: patent@davisandbujold.com